

Committee on Resources

Statement

**TESTIMONY OF
ROBERT DOLENCE, DEPUTY SECRETARY FOR
MINERAL RESOURCES MANAGEMENT
PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
BEFORE THE
COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES
JANUARY 24, 2000
SCRANTON, PA**

Good afternoon Mr. Chairman and members of the committee.

My name is Bob Dolence and I am the Deputy Secretary for Mineral Resources Management at the Pennsylvania Department of Environmental Protection (DEP). On behalf of Governor Ridge and Secretary Jim Seif, I want to thank you for this opportunity to speak with you about mine reclamation.

Pennsylvania's rich industrial heritage and abundant natural resources have been and will continue to be strengths in providing jobs for our citizens and in increasing the prosperity and economic vitality of the Commonwealth, and of our nation. A portion of that legacy however, is a large inventory of abandoned mines, acid-degraded streams, and unsafe shafts and highwalls around the state. Repairing that damage from the past is one of the best ways we can improve both the economic vitality and the quality of life in Pennsylvania in the future.

In Pennsylvania we estimate the cost of addressing all of the abandoned mine land problems statewide, including acid mine drainage (AMD), to be approximately 15 billion dollars. Over 2,400 miles of Pennsylvania's 83,000 miles of streams are polluted by acid mine drainage. There are over 252 miles of unreclaimed and dangerous highwalls, over 1200 open portals and vertical shafts, approximately 45 active deep mine fires, and 200,000 acres of subsidence prone land.

In the anthracite region of Pennsylvania, there are 929 identified abandoned mine problem areas that meet the Office of Surface Mining's definition of Priority 1 and 2 projects. Priority 1 projects protect public health and safety from extreme danger, while Priority 2 projects protect public health and safety from adverse effects of coal mining practices. These projects cover about 45,000 acres of land. Each problem area may contain anywhere from 1 to 20 abandoned mine land features. The types of features may include

- highwalls - the cliff faces of surface mines -- where deaths and injuries frequently occur from falls;
- water-filled pits at the base of highwalls which present a risk of drowning;
- subsidence, which damages homes and other surface structures;

and several other problems that compromise the health and safety of the public.

We estimate the cost of addressing these priority one and two problems in the anthracite region to be almost 2 billion dollars, excluding AMD treatment costs.

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), which authorized The Abandoned Mine Land program, is one important asset that could accelerate our ability to address these problems, but we feel that it is currently being underused. As I am sure you know, the Abandoned Mine Reclamation Trust Fund, established by Congress, and funded by the coal operators in Pennsylvania as well as other mining states, has been appropriated sparingly in recent years, and a large balance of funds, over 1.3 billion dollars, collected for reclamation, is sitting idle while problems go unaddressed.

It is a great frustration to the citizens of Pennsylvania, to the coal operators of Pennsylvania who contribute to the fund, to DEP and to this administration, that such a large sum of money, collected expressly to meet this important need, has been held hostage to the budget process in Washington.

Getting this money released from Washington, so that it can be put to the use for which it was intended, is one of Governor Ridge's top priorities. He has personally carried that message to Washington several times in the past, and I reiterate that request today.

For the past several years, Pennsylvania's annual allocation from the Title IV appropriation has averaged about 22 million dollars, down from a high of 66 million dollars in 1984. In total, since the passage of SMCRA in 1977, Pennsylvania has received grant allocations totaling over 470 million dollars. These reclamation efforts have

- Restored 27 miles of stream channel;

- Eliminated 142 dangerous water impoundments or hazardous water bodies;

- Completed 127 replacement water supply projects;

- Restored 20,466 acres of land;

- Eliminated in excess of 93 miles of dangerous highwalls;

- Sealed 831 portals and vertical openings;

- Extinguished mine fires beneath 800 acres of surface land; and

- Reduced the subsidence risk to approximately 2200 acres of land.

In the anthracite region, DEP has completed 306 reclamation projects with direct construction costs of about 160 million dollars since Title IV funding became available. These projects have involved about 10,000 acres.

We believe that Pennsylvania has put to good use the funding that we have received under Title IV, and believe that the best chance to accelerate our rate of progress throughout the state is for Congress to increase the appropriations from the Abandoned Mine Lands Trust Fund.

Pennsylvania also supports additional flexibility in the application of Title IV funding that would allow innovative approaches to remediation that can reduce costs, improve efficiency, better leverage other sources of funding, and promote the development and use of new technologies

While we cannot address all of our mining reclamation needs throughout the state without increased funding from Congress, we have not rested on that hope alone for progressing. Governor Ridge recently signed into law the Environmental Stewardship and Watershed Protection Act, which embody his "Growing Greener" initiative. This legislation was adopted with the very effective help and leadership of Senator Ray Musto and Representative David Argall, both of whom represent districts in the anthracite region. Growing Greener is the largest single investment of state funds in our history to help improve Pennsylvania's environment, making nearly 650 million dollars available over the next five years for grants for projects that protect and restore watersheds.

Specific grant activities will include abandoned mine cleanup efforts, oil and gas well plugging, and planning and implementing local watershed-based conservation efforts including those that abate acid mine drainage. These grants can be used to leverage the efforts and resources of local governments and watershed associations, and can be used as the required match for other sources of funds. This funding will help communities to address the problems that they choose as priorities, and will create opportunities for desirable economic development.

Less than two weeks ago, DEP sponsored a grant workshop in Wilkes-Barre, as part of a series of such workshops currently being held around the state, to assist interested parties in applying for Growing Greener grants. Over 170 people attended, representing counties, authorities and municipalities or volunteer associations involved in watershed protection. We are greatly encouraged by the enthusiastic reception to this new program and excited about this opportunity to address the environmental needs of this area.

Another legislative change that was adopted by the Pennsylvania General Assembly on the same bill as Growing Greener was the "Environmental Good Samaritan" statute. This statute provides protection from legal and environmental liability for groups voluntarily undertaking mine reclamation or oil or gas well reclamation. Liability protection will extend to both the group doing the actual reclamation work as well as to the property owner who takes on the challenge of restoring abandoned mine lands.

The Ridge Administration is stating to the public, "If you take this challenge on in good faith, and are not negligent in doing so, you are protected from third party lawsuits and, with Growing Greener, you have the opportunity for funding to assist with the restoration."

Pennsylvania has also been a leader in the promotion of remining. Remining is active mining that includes the reclamation of an abandoned mine land site while recovering the hard coal resource. DEP's regulations provide protection to operators who remine sites with mine drainage. In essence, the operator is only responsible if the pre-existing discharge should worsen. We have issued 260 remining permits since the mid-1980s and in only 12 cases has the permittee been required to treat the discharge during or after mining.

Additional program enhancements designed to involve public participation and encourage more industry reclamation of abandoned mine sites may be found in the Governor's Reclaim PA initiative. Announced in October of 1998, this effort compliments Growing Greener and Environmental Good Samaritan programs.

Pennsylvania coal has powered this nation's industrial growth in the past and it continues to fuel the industrial and heating needs of today. Pennsylvania is committed to doing its share and more to remedy the

scars of mining that remain, and the record that I have recounted is a strong one. Through innovative programs like Growing Greener, Reclaim PA, Good Samaritan, and re-mining, Pennsylvania has stepped up to the plate with new resources and new ideas. But, in spite of our best efforts, the needs far outstrip the resources available.

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We would urge the Congress to release more of the funds that have already been collected for reclamation, so that we can accelerate our progress in repairing the environment and protecting the safety of our citizens throughout the Commonwealth.

Thank you very much for the opportunity to testify before your committee, and I would be happy to answer any questions.

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